

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MHN GOVERNMENT SERVICES, LLC (MHNGS)
Employer

and

Case 19-RC-242915

INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
LOCAL LODGE 47
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision Affirming Hearing Officer's Report on Objections and Certification of Representative is denied as it raises no substantial issues warranting review.¹ The Employer's motion to stay the Board's action in this matter is denied.

JOHN F. RING,

CHAIRMAN

MARVIN E. KAPLAN,

MEMBER

¹ In denying review, we assume, without deciding, that the Employer's witness' account of the entire incident involving an unidentified intruder in the polling area is credible and that the Board agent's response to the intruder's statement that "You guys are the enemy" (or "the bad guys") was "No, *they're* not," which the witness understood to be a defense of unions. Although we would not condone this type of comment by a Board agent, it is not sufficiently partisan to impugn the Board's neutrality or to "destroy confidence in the Board's election process" under such cases as *Athbro Precision Engineering Corp.*, 166 NLRB 966, 966 (1967), vacated sub nom. *Electrical Workers v. NLRB*, 67 LRRM 2361 (D.D.C. 1968), acquiesced in 171 NLRB 21 (1968), enf'd. 423 F.2d 573 (1st Cir. 1970), and *Hudson Aviation Services*, 288 NLRB 870 (1988), especially given that the comment was made to an individual who is not a party to the election. See *NLRB v. Dobbs Houses, Inc.*, 435 F.2d 704, 705–706 (5th Cir. 1970) (comment that the petitioning union would "do the people a lot of good" did not mandate setting aside the election); *Sonoma Health Care Center*, 342 NLRB 933, 933–934 (2004) (Board agent's comments, including that "[C]ompanies don't like unions because they cannot fire or hire anyone, and they cannot take benefits from the staff," while not condoned, did not reflect "such a level of bias or impropriety" to warrant setting the election aside).

Further, while the Board agent should have immediately taken steps to remove the intruder once he realized that the intruder was not present to vote, we find that the failure to do so for the 3–5 minute duration of the conversation did not raise a reasonable doubt as to the election's validity, given that the Employer has submitted no evidence that any other voters were present in or near the polling site during the conversation. *Polymers, Inc.*, 174 NLRB 282 (1969), enf'd. 414 F.2d 999 (2d Cir. 1969), cert. denied 396 U.S. 1010 (1970).

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., July 31, 2020.